

**THIRTY-FIFTH DAY.**

(Continued)

Senate Chamber,  
Austin, Texas, Feb. 23, 1929.

The Senate met at 10 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

**Bills Signed.**

The Chair, Lieut. Gov. Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 92	S. B. 317
S. B. 238	S. B. 74
S. B. 57	S. B. 347
S. B. 414	S. B. 73
S. B. No. 36	

**Senate Bill No. 342.**

The question recurred upon Senator Miller's amendment. The amendment was adopted.

Senator Martin sent up the following amendment:

Amend S. S. B. No. 342, by adding Section No. 16a thereto as follows:

Provided that if the said Commissioners shall decide to relocate the Penitentiary on other and different land in the State of Texas, than that now owned by the Penitentiary System that the same be in no event located in the Twelfth Senatorial District composed of the counties of Hill, Hood, Johnson, Ellis and Somervell or either of said counties.

MARTIN.

The amendment was read and adopted.

Senator Russek sent up the following amendment:

Amend C. S. S. B. No. 342 by adding at the end of Section 2, page 12, line 17, the following:

"Provided that said Board shall not have authority to locate said system, or any part thereof, in the following counties: Fayette, Colorado, Austin, Lavaca and Waller."

RUSSEK.

The amendment was read.

**S. C. R. No. 31.**

Senator Berkeley sent up the following resolution:

By Berkeley

S. C. R. No. 31.

**SENATE CONCURRENT RESOLUTION.**

Inviting the Honorable Herbert Hoover to El Paso during the 11th annual convention of the West Texas Chamber of Commerce or at some other time shortly before or after said time.

Whereas, the West Texas Chamber of Commerce will hold its 11th annual convention at El Paso, Texas, on May 13, 14 and 15, 1929; and

Whereas, the President of the Republic of Mexico has signified his willingness to visit El Paso in the event the Honorable Herbert Hoover, who will then be President of the United States, comes to said city; and

Whereas, the West Texas Chamber of Commerce will send a committee to Washington to attend the inaugural ceremonies of President Hoover and at the same time will invite the new President to come to El Paso; and

Whereas, it is very appropriate and will be in the interest of amicable relations between the United States and Mexico to have the Presidents of the two Republics meet at El Paso; and

Whereas, Texas would very much like to have the honor of a visit from the President.

Now therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

The Texas Legislature and both Houses thereof join the West Texas Chamber of Commerce in a cordial invitation to President Herbert Hoover to come to El Paso during the annual convention of the West Texas Chamber of Commerce to be held in that city on May 13, 14 and 15, of this year, or at some other time prior to said date or soon thereafter, at which time he may be assured he will receive a hearty welcome and reception.

The resolution was read and adopted.

**Message from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives  
Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller,  
President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Berkeley:

S. B. No. 268, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in such counties in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict, and declaring an emergency."

By Senator Miller:

S. B. No. 279, A bill to be entitled "An Act to amend Chapter 59 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its regular session, in 1915, as amended by Chapter 51, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, same being a special road law for Wise County, by adding thereto Section, 12b, authorizing the commissioners' court of Wise County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

With amendments

By Senator Holbrook:

S. B. No. 285, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosynary institutions of this State from being turned over to the Anatomical Board of the State of Texas to be used in the advancement of medical science; the purpose of this Act being to permit unclaimed dead bodies at certain state eleemosynary institutions to be used for such purposes as provided in Chapter 13 of Title 71 of the Revised Civil Statutes of 1925; and declaring an emergency."

By Senator Woodul:

S. B. No. 316, A bill to be entitled "An Act authorizing any county having taxable values of two hundred

ninety million dollars or more according to the latest approved tax rolls of the county to spend not to exceed \$15,000.00 in any one year out of the general fund of the county for any purpose coming within the authority of the commissioners' court of the county under the laws of this State relative to reclamation or conservation; and declaring an emergency."

By Senator Small:

S. B. No. 296, A bill to be entitled "An Act to provide that in the event there should be awarded to the State of Texas by the final decree of the United States Supreme Court at Washington, D. C., in its final judgment in the suit of the State of Oklahoma against the State of Texas, the United States, Intervenor, any area of land along the 100th degree west longitude adjacent to the east side of the Panhandle of Texas and the west side of the State of Oklahoma, such area shall upon the happening of that event, be and become a portion, part and parcel of land incorporated into the several counties of the State of Texas adjacent thereto for all governmental purposes by the extension of the North and South boundary lines of same east to the true 100th degree of west longitude as may be fixed by said court; to withhold said area for final disposition by future legislation; to provide for the ascertainment of the character of the land and improvements thereon and the kind and character and status of all claims of right and title thereto; to provide for one claiming a right therein to proceed to establish such right, and declaring an emergency."

With amendments

By Wirtz and Love.

S. B. No. 305, A bill to be entitled "An Act amending Article 6286, Chapter 2, Title 112, Revised Civil Statutes of the State of Texas, 1925, so as to change the provision of said article relating to the subject of change of general offices, machine shops, roundhouses so as to include terminals."

With amendments.

By Senator Woodul:

S. B. No. 309, A bill to be entitled "An Act providing for the sale by the Texas Prison Board of 5.72 acres

of land adjoining the Imperial State Farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the Board's secretary, and creating an emergency."

With amendments.

By Senator Woodul:

S. B. No. 376, A bill to be entitled "An Act conferring upon all cities and towns in Texas and conferring upon all independent school districts having 150 scholastic or more, the right and power by the exercise of the right of eminent domain to acquire the fee simple title to real property, for the purpose of supplying playgrounds, sites upon which to build school houses, and for such other purposes as may be necessary for such schools, and providing that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring property by railroads, and providing a method whereby any such city or town or independent school district may take possession of any property condemned after the award of the commissioners, and repealing all laws both general and special in conflict herewith, and declaring an emergency."

By Senator Parrish:

S. B. No. 389, A bill to be entitled "An Act creating a more efficient road system for Motley County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners' court of Motley County to issue bonds of

said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

With amendments.

By Senator Holbrook:

S. B. No. 90, A bill to be entitled "An Act authorizing certain incorporated cities to acquire and maintain recreational parks and playgrounds outside of the city limits; limiting the amounts of land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public; providing for the closing of roads running through any such grounds or parks; and declaring an emergency."

With amendments.

By Senator Holbrook:

S. B. No. 91, A bill to be entitled "An Act making better provision for public parks and playgrounds for incorporated cities and towns and counties; making provision for same when such city or town may own playgrounds or park land outside its limits; providing for such city or town acquiring county owned land for such purpose; providing for cooperation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose."

With amendments.

By Senator Woodward:

S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices to the United States Veterans' Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veterans' Bureau and providing for collection of fees therefor, and declaring an emergency."

By Senator Woodward:

S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

By Senator Woodward:

S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

Senator Westbrook:

S. B. No. 130, A bill to be entitled "An Act providing for nine members of the Board of Regents of the State Teachers College and declaring an emergency."

By Senator Woodward:

S. B. No. 146, A bill to be entitled "An Act to amend Section 3 of Chapter 40 of the Fortieth Legislature, and to provide that the Commissioners for the aid and assistance of the Court of Criminal Appeals of Texas shall hold office for a term of six years from their appointment, and

providing for the filling of any vacancy, and declaring an emergency."

By Senator Witt:

S. B. No. 199, A bill to be entitled "An Act fixing the salary of official shorthand court reporters in judicial districts in counties having two or more full time district courts in addition to transcript fees which such reporters receive under the laws, and declaring an emergency."

With amendments.

By Senator Parr:

S. B. No. 210, A bill to be entitled "An Act to amend Article 7332 of Chapter 10, Title 122, of the Revised United States census, where the Civil Statutes of the State of Texas of 1925, relating to fees in delinquent tax suits, and declaring an emergency."

By Senator Witt:

S. B. No. 256, A bill to be entitled "An Act fixing compensation for county assessor of taxes compiles county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000 according to the last and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keep a card index file of all automobiles, busses, and trucks, licensed and owned on January 1st of each year, showing owner of auto, owner's address, State Highway license number, make and year model of auto, all of said information for the facilitation of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same; the commissioners' court shall allow said assessor who compiles and uses such records extra compensation, not ex-

ceeding twelve hundred dollars annually, beginning with the fiscal year 1929, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law; and declaring an emergency."

With amendments.

By Senator Hornsby:

S. B. No. 426, A bill to be entitled "An Act to change the name of the Criminal District Court of Travis County, to fix and define the jurisdiction of the Fifty-third District Court and said Criminal District Court with its name changed, to fix the terms in each of said courts, to provide for grand and petit juries in both of said district courts, for a clerk and for a district attorney for said district courts for continuance in office of the respective judges of said district courts, for appointment of court reporters by the judges of each of said courts, for transferring of both civil and criminal cases, to continue in effect writs, process, bonds, recognizances and orders, enacting proper provisions to continue any term of court that may be in session when this Act takes effect and to preserve grand and petit juries that may be drawn or selected when this Act takes effect; and declaring an emergency."

With amendments.

By Senator Parrish:

S. B. No. 462, A bill to be entitled "An Act authorizing the district attorney of the Seventy-second Judicial District to appoint one Assistant District Attorney for a term of two years; prescribing the qualifications and duties of such assistant; fixing said assistant's salary, and declaring an emergency."

By Senator Parrish:

S. B. No. 493, A bill to be entitled "An Act amending an Act creating the One Hundred and Tenth Judicial District of Texas to be composed of the counties of Briscoe, Floyd, Motley and Dickens, which Act was passed at this Session of the Legislature, the same being S. B. No. 85, so as to better provide for subpoenas, writs, process, bonds and recognizances issued prior to the taking effect of this Act and validating and continuing the same; and declaring an emergency."

By Senator Witt:

S. B. No. 173, A bill to be entitled "An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925 so as to authorize every private corporation to increase or diminish by vote of its stockholders cast as its by-laws may direct, the number of its directors or trustees, such number, however, to be not less than three, and declaring an emergency."

By Senators Neal and Thomason:

S. B. No. 355, A bill to be entitled "An Act amending Section 25 of Chapter 122, of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to tick eradication among live stock, so as to include Cherokee, Rusk, Panola and Nacogdoches Counties in that territory in which systematic tick eradication work is carried on and provided for, the purpose of this Act being to add said counties to that territory described in said Act as being west of the Brazos River and north and west of a line described in the Act as running from the northwest corner of Robertson County to the southeast corner of Harrison County as set out in detail in Section 25 of said Act as it now exists; and declaring an emergency."

By Mr. Heaton, Mr. Renfro, Mr. Snelgrove, Mr. Palmer, Mr. Sanders, Mr. Williams, Mr. Walters and Mr. Quinn:

H. B. No. 518, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty, and declaring an emergency."

Engrossed rider.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motions to Concur.

On motion of Senator Parrish, the Senate voted to concur in the House amendment to S. B. No. 389.

Senator Love moved that the Senate concur in the House amendment to S. B. No. 54. The motion prevailed.

On motion of Senator Small, the Senate voted to concur in the House amendment to S. B. No. 296 by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Greer.	Woodward.
Russek.	
Absent—Excused.	
Neal.	

## House Bills Referred.

H. B. No. 518 referred to Committee on State Affairs.

## Recess.

On motion of Senator Woodward, the Senate, at 12:05 o'clock, recessed until 2:00 o'clock p. m.

## After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

## Senate Bill No. 342.

The question recurred on Senator Russek's amendment to S. B. No. 342.

Senator Witt moved the previous question on the amendment. The motion was lost by the following vote:

## Yeas—11.

Beck.	Moore.
Hardin.	Parrish.
Holbrook.	Pollard.
Hornsby.	Witt.
Hyer.	Woodward.
Love.	

## Nays—14.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Small.
Gainer.	Stevenson.
Martin.	Williamson.
McFarlane.	Wirtz.

## Absent.

Westbrook.

## Absent—Excused.

Greer.	Neal.
Woodul.	

## (Pairs Recorded)

Senator Thomason (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

## Yeas—9.

Beck.	Small.
Holbrook.	Westbrook.
Hyer.	Witt.
Moore.	Woodward.
Parrish.	

## Nays—12.

Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Williamson.
Martin.	Wirtz.

## Present—Not Voting.

DeBerry.

## Absent.

Miller.	Woodul.
Pollard.	

## (Pairs recorded).

Senator Cunningham (present), who would vote nay with Senator Neal (absent), who would vote yea.

Senator Love (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator McFarlane (present), who would vote nay with Senator Greer (absent), who would vote yea.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend C. S. S. B. No. 342, by adding at the end of Section 2, line 7 of the printed bill the following:

"Provided that said Board shall not have authority to locate said system or any part thereof in the counties of Fort Bend and Brazoria."

HOLBROOK.

The amendment was read.

Senator Cousins sent up the following substitute amendment:

Substitute for Amendment No. 8  
C. S. S. B. No. 342:

Amend Committee Substitute for  
S. B. No. 342 by adding at the end  
of Section 2, page 12, line 17, the  
following:

"Provided, that the said system  
shall be centralized and located on  
one or more of the farms now owned  
by the system and located in Har-  
ris, Fort Bend and Brazoria coun-  
ties, and contiguous lands."

COUSINS.

The amendment was read.

Senator Holbrook moved to table  
the Substitute. The motion pre-  
vailed by the following vote:

Yeas—13.

Beck.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Moore.	Williamson.
Parrish.	Woodward.
Patton.	

Nays—6.

Cousins.	Martin.
DeBerry.	Parr.
Gainer.	Wirtz.

Absent.

Pollard.

Absent—Excused.

Woodul.

(Pairs Recorded)

Senator Berkeley (present), who  
would vote nay with Senator Hyer  
(absent), who would vote yea.

Senator Cunningham (present),  
who would vote nay with Senator  
Neal (absent), who would vote yea.

Senator Love (present), who  
would vote yea, with Senator Russek  
(absent), who would vote nay.

Senator McFarlane (present), who  
would vote nay with Senator Greer  
(absent), who would vote yea.

Senator Witt (present), who  
would vote yea with Senator Miller  
(absent), who would vote nay.

Senator Holbrook withdrew his  
amendment.

**Motion to Adjourn.**

Senator Cousins moved to adjourn  
until 10:00 o'clock Monday morn-

ing. The motion was lost by the  
following vote:

Yeas—8.

Cousins.	McFarlane.
Cunningham.	Parr.
Gainer.	Patton.
Martin.	Wirtz.

Nays—16.

Beck.	Parrish.
Berkeley.	Small.
DeBerry.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Moore.	Woodward.

Absent.

Greer.	Pollard.
Hyer.	Russek.
Miller.	

Absent—Excused

Neal.	Woodul.
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**Senate Bill No. 342.**

Senator McFarlane sent up the  
following amendment:

Amend S. B. No. 342 by striking  
out all below the enacting clause  
and insert in lieu thereof the follow-  
ing:

Section 1. It shall be the policy  
of this State, in the operation and  
management of the prison system, to  
so manage and conduct the same in  
that manner as will be consistent  
with the operation of a modern pris-  
on system, and with the view of  
making the system self-sustaining;  
and that those convicted of violating  
the law and sentenced to a term in  
the State Penitentiary shall have  
humane treatment, and be given op-  
portunity, encouragement and train-  
ing in the matter of reformation.  
All prisoners shall be worked within  
the prison walls and upon farms  
owned by the State; and in no event  
shall the labor of a prison be sold  
to any contractor or lessee to work  
on farms, or elsewhere, nor shall  
any prisoner be worked on any farm  
or otherwise upon shares, except  
such farm be owned by the State of  
Texas.

Sec. 2. The Texas Prison Board  
shall hold a regular meeting on the  
first Monday of each month for the  
transaction of any and all official  
business. Special meetings of said

Board may be called by the Chairman, and upon the petition of five members special meetings of said Board shall be called. Each member of the Board shall be given notice of special meeting and of the purpose thereof, and unless such notice has been given no official business shall be transacted at any special meeting. Six members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

Sec. 3. The Prison Board shall keep a record of all its proceedings in a permanent record book, which shall be properly indexed, and said records shall be open to the inspection of any public official at any time.

Sec. 4. The Prison Board shall be authorized to employ such clerical help as may be necessary for the discharge of its duties. No person shall be employed by said Board unless and until an appropriation is made therefor by the Legislature and no salary of any official or employee of said Penitentiary System shall be increased without the authority of the Legislature.

Sec. 5. The Texas Prison Board shall cause the manager hereinafter provided for to make full and complete reports to each regular meeting of said Board of the fiscal affairs of said Prison System and of the general conditions with relation thereto. On the first day of September of each year, said Board shall cause a full and complete inventory of all property of every description belonging to the Prison System to be made, and there shall be set opposite each item the book and actual market value of same. Said inventory shall further include a statement of the fiscal affairs of said system as of the first day of September; and a sufficient number of copies of such inventory and report shall be printed to give general publicity thereto. The Board shall on January 1st of each year furnish the Governor and each member of the Legislature a complete report, as is required by law.

Sec. 6. The Texas Prison Board shall employ a general manager of the prison system, who shall possess qualifications, training, and who has had not less than four years' previous experience in dealing with con-

victs, and it shall be his duty to carry out the policies of the Texas Prison Board, in accordance with the laws of this State. The Board shall manage and control the prison system through the manager selected by it. In addition to his salary, which salary shall not exceed eight thousand (\$8,000.00) dollars per annum, said manager shall be furnished with a dwelling house by the State and all necessary traveling expenses when traveling on business for the prison system. The Board shall delegate to such manager authority to manage the affairs of the prison system, subject to its control and supervision. The duty of such manager shall extend to the employment and discharge with the approval of the Board, of such persons as may be necessary for the efficient conduct of the prison system. It shall be the duty of the Prison Board to see that proper discipline is maintained in the prison system and that adequate punishment is administered to inmates who refuse to obey orders, and it is hereby considered that solitary confinement and standing inmates on a barrel is not considered adequate punishment for unruly inmates. The manager, with the consent of the Texas Prison Board, shall have power to prescribe reasonable rules and regulations governing the humane treatment, training and discipline of prisoners, and to make provision for the separation and classification of prisoners according to sex, color, age, health, corrigibility, and character of offense upon which the conviction of the prisoner was secured.

Sec. 7. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The reward to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may be consistent with proper discipline, commutation of time for good conduct shall be granted by the manager, and the following deduction shall be made from the term or terms of sentences when no charges of misconduct have been sustained against a prisoner, viz: Three days



per month off of the first year's sentence; four days per month off of the second year of sentence; five days per month off of the third year of sentence; six days per month off of the fourth year of sentence; seven days per month off of the fifth year of sentence; eight days per month off of the sixth year of sentence; nine days per month off of the seventh year of sentence; ten days per month off of the eighth year of sentence; eleven days per month off of the ninth year of sentence; fifteen days per month off of the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term each commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the manager. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in case any prisoner who shall have escaped and been captured, part of all of his good time thereby forfeited may be restored by the manager, if in his judgment his subsequent conduct entitles him thereto.

Sec. 8. The manager shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to him from every source whatsoever, and shall sign all warrants authorizing and disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system except on a warrant signed by him and countersigned by the auditor of the prison system. He shall keep full and

correct accounts with each industry, department and farm of the prison system, and with all persons, firms, or corporations having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officers or employees of the prison system at stated intervals. The manager shall not issue a warrant or pay out any money for the prison system unless and until said payment is first authorized by appropriation of the Legislature.

Sec. 9. The Board shall have power to authorize the manager to sell and dispose of all products of all farms and industries connected with the prison system and all personal and moveable property, at such prices and on such terms and render such rules as it may deem best to adopt.

Sec. 10. The Prison Board shall formulate plans for the reorganization of the prison system and for more efficient control and management of same, not inconsistent with the provisions herein and the existing laws.

Sec. 11. In effecting reorganization and management of the prison system, The Shaw Farm, the Goree Farm, and the Wynn Farm of the prison system may be sold or leased as may be hereinafter provided. The Prison Board shall as soon as possible establish a receiving station and walls on the Darrington Farm, though which all inmates shall be received. The walls established on this farm shall be adequate to handle not less than five hundred inmates, and all inmates of the prison system shall be received through and distributed from the Darrington Farm. It shall be the policy of the prison system to centralize the prison system activities of the farms in Fort Bend and Brazoria Counties on the Darrington Farm and any new buildings constructed in the system shall be constructed to carry out this plan.

Sec. 12. To effect the sale of the Shaw Farm, located in Bowie County, the Goree Farm, located in Walker County, and the Wynn Farm, located in Walker County, these farms may be sold by the Prison Board, acting in conjunction with the Attorney General of this State, the Lieutenant Governor and the Speaker of the

House of Representatives then in office, and said lands shall be sold in such tracts and under such terms and conditions as the above parties deem to be to the best interests of the State of Texas, subject to the limitations hereinafter prescribed. The above parties shall divide, classify and place a minimum price on the said lands divided into different tracts as they feel will bring the most money, and when said parties have said land ready for sale, a copy of said parties' report of said division, pricing and classification shall be furnished the Governor, and the said parties shall cause a copy to be handed the newspapers for publication, and a copy of said report shall be mailed to each member of the Legislature. The lands provided to be sold herein shall be sold to farmers in the order of their priority of application upon payment of not less than twenty (20%) per cent of the purchase price with interest at five (5%) per cent per annum, and payment of one-twentieth (1/20) part remainder each year thereafter until fully paid. All farms sold shall be on condition that purchaser will begin improvement for occupancy within a period of two years. The State shall have a vendor's lien on said land to protect all deferred payments, and shall reserve right to remove all buildings, and all deeds shall be extended by said parties and properly acknowledged by them and the Governor of the State. The State shall retain and reserve to the State one-sixteenth (1/16) of the mineral rights in the lands conveyed therein; and the further right upon the part of the State to contract for the sale, lease, production and development of all minerals and to do anything necessary to bring about this result.

Sec. 13. Sales of the State Prison lands shall be made through the office of the Commissioner of the General Land Office and be in accordance with the procedure provided for other lands of the State except as otherwise provided herein, and all funds derived from such sale, or from interest accruing upon deferred payments, shall be credited to the State Prison System land and building account; and all moneys paid into such account shall be available to the Texas Prison Board for the purchase of prison buildings and

prison system equipment. Such funds shall be paid out by the State Treasurer upon warrants drawn by the Comptroller against said account, as other expenditures by the Prison Board.

The Prison Board and other officers named shall be authorized, under proper appraisal of value as herein provided, to effect exchange of the Shaw Farm, Wynn Farm and Goree Farm for other lands useful for prison system purposes, and so located as to fulfill the requirements of the centralization of the prison system, on the seven farms, in and around the Darrington Farm in Brazoria County.

Sec. 14 The Texas Prison Board, in the reorganization of the prison system shall undertake, in the manner and to the extent experience and available funds suggest and permit, to provide for the utilization of prison labor in varying useful employments, and particularly in those directions which are calculated to produce food supplies and necessities for all inmates of the State Prison, and supplies and necessities for inmates of the eleemosnary institutions of the State.

Sec. 15. The Board of Control is hereby authorized to make contracts with the State Prison Board for the purchase of supplies, equipment and materials for use by other State institutions, including food, supplies, clothing, shoes, metal utensils and appliances, and any and all other supplies or agricultural or manufactured products, furniture or fixtures, including any and all supplies, equipment, material, or labor purchased or used by or for the State, under the direction of the Board of Control.

Sec. 16. The Texas Prison Board shall use all reasonable diligence in providing for the establishment of a service of assisting those State prisoners released from the prison system with satisfactory records of discipline and intelligent labor, in securing forms of employment adapted to their training and abilities, and make reasonably diligent effort to encourage such former prisoners to retain regular employment and conduct themselves properly and be self-supporting and law-abiding citizens.

Sec. 17. If any action or provision of this Act shall contravene the terms of the Constitution of this State or be otherwise held invalid for any reason, the same shall not affect the validity of the remainder of this Act. Laws, and parts of laws in conflict with this Act are hereby specifically repealed, it being the intention of the Legislature to make this Act cumulative of all other laws on this subject.

Sec. 18. The fact that the State Prison System has been a burden upon the taxpayers of this State, and the operation and management of said prison system should be more clearly defined in the interest of economy and the public good, creates an emergency and an imperative public necessity of the constitutional rule requiring bills to be read on three several days is suspended, and the rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Holbrook moved to table the amendment.

Senator Love moved the previous question on the motion and the amendment. The previous question was ordered by the following vote:

Yeas—11.

Beck.	Pollard.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Moore.	Woodward.
Parrish.	

Nays—7.

Cousins.	Patton.
DeBerry.	Stevenson.
Gainer.	Wirtz.
Parr.	

Absent.

Cunningham.	Small.
Martin.	

Absent—Excused.

Neal.	Woodul.
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(Pairs Recorded)

Senator Berkeley (present), who would vote nay with Senator Hyer (absent), who would vote yea.

Senator Love (present), who

would vote yea with Senator Russek (absent), who would vote nay.

Senator McFarlane (present), who would vote nay with Senator Greer (absent), who would vote yea.

Senator Witt (present), who would vote yea with Senator Miller (absent), who would vote nay.

Senator Holbrook raised the point of order that no quorum was present. The roll call showed the following members present:

Present—18.

Beck.	Parrish.
Berkeley.	Pollard.
DeBerry.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Woodward.

Absent.

Cousins.	Miller.
Cunningham.	Parr.
Gainer.	Patton.
Greer.	Russek.
Hyer.	Small.
Martin.	

Absent—Excused.

Neal.	Woodul.
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Senator Holbrook moved a call of the Senate for the purpose of obtaining a quorum.

Senator Wirtz moved as a Substitute that the Senate adjourn until 10:00 o'clock Monday morning. The motion was lost.

A call of the Senate was ordered. The names of those present were called. The names of the absentees were called.

Senator Holbrook moved that the Sergeant-at-Arms be instructed to bring in the absentee Senators who could be found. The motion prevailed.

Recess.

On motion of Senator Stevenson, the Senate, at 5:25 o'clock p. m. recessed until 10:00 o'clock Monday morning.

APPENDIX.

Petitions and Memorials.

United States Senate.  
Committee on Finance.  
Austin, Texas, Feb. 19, 1929.  
Mr. Bob Barker, Secretary of the  
Senate.

Austin, Texas.  
Dear Mr. Barker:

I desire to acknowledge the receipt of your telegram of February 18, 1929, transmitting Senate Concurrent Resolution No. 27, relative to relocating in Texas a General Hospital of the United States Veterans Bureau for the treatment of general disabilities incurred in service during the World War.

I regret that due to the congestion of the legislative calendar, it will be impossible to act on the Director's recommendation during the present session of Congress. We are so crowded that it even now appears that some of the Appropriation Bills will fail of passage.

With best wishes, I remain

Yours truly,

REED SMOOT.

#### Committee on Enrolled Bills

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate:

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 481 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 317 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a.m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 74 carefully examined and compared, and find the same correctly enrolled,

and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 36 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 238 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 57 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 73 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 414 carefully examined and compared,

and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 347 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom H. B. No. 335 has been referred, same being a bill to be entitled

"An Act to provide a more efficient Road System for Montgomery County, Texas, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom H. B. No. 641 has been referred, same being a bill to be entitled

"An Act creating a more efficient Road System for Motley County, Texas, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

State Highways and Motor Traffic, to whom H. B. No. 580 has been referred, same being a bill to be entitled

"An Act to amend Chapter 14, Local and Special Laws enacted by the Thirty-fifth Legislature at its Third Called Session, in 1917, as amended by Chapter 65, Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a Special Road Law for Trinity County, Texas, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom S. B. No. 579 has been referred, same being a bill to be entitled

"An Act repealing certain Sections of the local road law of Franklin County, Texas, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 589, A bill to be entitled

"An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such reasonable and uniform regulations as said Board shall prescribe, with certain

provisions as to agents, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

#### A BILL

#### To Be Entitled

An Act requiring every person, association, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, childrens boarding home or child-placing agency, or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee, and under such reasonable and uniform regulations as said Board shall prescribe, with certain provisions as to agents. Providing for inspection of such places or institutions. Requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed; and if the child is removed from the care or custody of the person with whom it was placed the fact of such removal and disposition of the child to be entered on the record. Requiring such person, association or corporation to report to the State Board of Health quarterly and at such times as said Board shall direct, specifying the things required in the aforesaid record. Providing the State Board of Health may visit any child who has been so placed and not legally adopted to ascertain whether the child is properly cared for and living in moral surroundings. Providing that if the said Board has reason to believe that the person having the care or custody of such child is an improper person for such care or

custody, and subjects such child to cruel treatment or neglect or immoral surroundings it shall cause a complaint to be filed in the proper juvenile court. Providing that any person, association or corporation who shall attempt to operate without a license as herein provided, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than 30 days or by a fine of not less than \$25.00 nor more than \$500.00 and if operating under license, for revocation of same. Repealing all laws and parts of laws in conflict herewith except certain provisions of the Maternity Act of the 37th Legislature, approved March 24, 1921. Providing that if any provision of this Act shall be held to be invalid that all other provisions of this Act shall remain in force and effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home, or child-placing agency, or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for any such place or institution, shall obtain an annual license from the State Board of Health, which license shall be issued without fee, and under such reasonable and uniform rules and regulations as said Board shall prescribe; Provided that if said funds are solicited by said associations or corporations through any agent or agents thereof, only one such license shall be required by each said association or corporation for each county of the State of Texas in which county said funds are solicited.

Sec. 2. The State Board of Health shall have authority to visit and inspect all such places and institutions embraced within this Act at all reasonable times to ascertain if the same are being conducted in con-

formity with law or if any conditions exist which need correction.

Sec. 3. Any person, association or corporation licensed to keep and care for children, as provided in Section 1 of this Act, who shall place out or give to any person the care and custody of any child, shall keep and preserve a record of the full name of such child, the actual or apparent age of such child, the names and residence of its parents so far as known, and name and residence of the person with whom such child is placed; and if the child is removed from the care or custody of the person with whom it was placed the fact of such removal and the disposition of such child shall be entered on the record.

Sec. 4. Such person, association or corporation shall report to the State Board of Health quarterly and at such times as said Board shall direct, specifying the matters and things required in the record mentioned in the next preceding section.

Sec. 5. The State Board of Health, or such person as it may authorize, may visit any child so placed, who has not been legally adopted, with a view to ascertaining whether such child is being properly cared for and living in moral surroundings.

Sec. 6. Whenever the State Department of Health has reason to believe that any person having the care or custody of a child placed out and not legally adopted, is an improper person for such care or custody, or subjects such child to cruel treatment or neglect, or immoral surroundings, it shall cause complaint to be filed in the proper juvenile court.

Sec. 7. Any person, association or corporation, who shall attempt to operate without a license as herein provided, or who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than 30 days or by a fine of not less than \$25.00 nor more than \$500.00; and if operating under a license such license may be revoked by the State Board of Health.

Sec. 8. All laws and parts of laws in conflict herewith are hereby ex-

pressly repealed, except the provisions of S. B. No. 215, Chapter 76, General Laws of the Regular Session of the Thirty-seventh Legislature, approved March 24, 1921, in so far as the same apply or relate to lying-in hospitals, hospital wards, maternity homes, or other place for the reception, care and treatment of pregnant women which are not affected by the provisions of this Act.

Sec. 9. If any provision of this Act shall be held to be invalid, it is hereby declared to be the intention of the Legislature that all other provisions of this Act shall remain in force and effect.

Sec. 10. The urgent need for more adequate protection of the children and the public in this State, and the importance of this legislation, create an emergency and a public necessity requiring that the constitutional rule providing that bills shall be read on three several days in each House, shall be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted.

### THIRTY-FIFTH DAY.

(Continued)

Austin, Texas, Feb. 25, 1929.

The Senate met at 10 o'clock a. m. pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

### Point of Order.

Senator Miller raised the point of order that, according to the Constitution of Texas, the Senate could not recess Saturday because no quorum was present.

The Chair overruled the point of order.

### Senate Bill No. 342.

The question recurred upon Senator McFarlane's amendment to S. B. No. 342.

The amendment was lost by the following vote:

Yeas—9.

Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Russek.
Gainer.	Wirtz.
Martin.	

## Nays—14.

Beck.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Pollard.	Woodward.

## Absent.

Greer.	Westbrook.
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## (Pairs Recorded.)

Senator Cunningham (present), who would vote yea, with Senator Neal (absent), who would vote nay.

Senator Parrish (present), who would vote nay, with Senator Parr (absent), who would vote yea.

Senator Patton (present), who would vote yea, with Senator Hardin (absent), who would vote nay.

The substitute bill as amended passed to engrossment by the following vote:

## Yeas—16.

Beck.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Pollard.	Woodward.

## Nays—9.

Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Russek.
Gainer.	Wirtz.
Martin.	

## (Pairs Recorded.)

Senator Cunningham (present), who would vote nay, with Senator Neal (absent), who would vote yea.

Senator Parrish (present), who would vote yea, with Senator Parr (absent), who would vote nay.

Senator Patton (present), who would vote nay, with Senator Hardin (absent), who would vote yea.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 342 as substituted be put on third reading and final passage. The motion was lost by the following vote:

## Yeas—17.

Beck.	Small.
Berkeley.	Woodward.
Greer.	Thomason.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Hyer.	Westbrook.
Love.	Woodul.
Moore.	Witt.
Pollard.	

## Nays—8.

Cousins.	McFarlane.
DeBerry.	Miller.
Gainer.	Russek.
Martin.	Wirtz.

## (Pairs Recorded.)

Senator Cunningham (present), who would vote nay with Senator Neal (absent), who would vote yea.

Senator Parrish (present), who would vote yea with Senator Parr (absent), who would vote nay.

Senator Patton (present), who would vote nay, with Senator Hardin (absent), who would vote yea.

## (Four-fifths vote required.)

## Bills Signed.

The Chair Lieutenant Governor Barry Miller gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 6.	S. B. No. 268.
S. B. No. 117.	S. B. No. 285.
S. B. No. 122.	S. B. No. 316.
S. B. No. 123.	S. B. No. 355.
S. B. No. 130.	S. B. No. 376.
S. B. No. 146.	S. B. No. 462.
S. B. No. 173.	S. B. No. 493.

## Bills and Resolutions.

By Senator Westbrook.

S. B. No. 592, A bill to be entitled "An Act fixing the compensation and fees of the office of the Tax Assessor and of the Tax Collector of Fanin County, Texas, for assessing and collecting taxes for the Independent Road Districts and amending Section 54 of Chapter 58 of the Special Laws of the 33rd. Legislature, approved March 19, 1913, so as to place the fees of such offices for assessing and collecting said taxes at three-fifths of one cent on the one hundred (\$100.00) dollars valuation of the property in said districts."



The bill was read first time and referred to Committee on State Affairs.

By Senator Gainer.

S. B. No. 593, A bill to be entitled "An Act to increase the criminal jurisdiction of the County Court of Robertson County, and to conform the jurisdiction of the District Court of said County of said change in the jurisdiction of said County Court; to fix the time of holding court in said County Court of Robertson County; and to repeal all laws and parts of laws in conflict herewith."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Russek.

S. B. No. 594, A bill to be entitled "An Act to accept the donation to the State of parts of a site, and to purchase other parts of a site, for a State Historical Park to be designated "The Stephen F. Austin Memorial Park;" providing for the acquisition of certain lot, and making the appropriation therefor, and providing for a Board for the supervision of such park."

The bill was read first time and referred to Committee on State Affairs.

By Senator Thomason.

S. B. No. 595, A bill to be entitled "An Act relating to the duties of the County Board of Education and the County Superintendent of counties with an area of nine hundred and seventy-seven square miles and a population of not less than 15,000 nor more than 20,000 according to the last preceding Federal census; providing for method of election of the County Board of Education; authorizing the appointment of the County Superintendent; and the employment of an assistant; authorizing the nomination of the teachers of the Common School Districts subject to the confirmation of the local trustees; authorizing the County Superintendent to make all purchases for supplies when the consideration is more than \$25.00; repealing all laws or parts of laws, General or Special, in conflict herewith, and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Gainer:

S. B. No. 596, A bill to be entitled "An Act increasing the compensation of county attorneys in counties having no district attorney, and repealing laws in conflict herewith."

Rear first time and referred to Committee on State Affairs.

#### Motions to Concur

Senator Hornsby moved to concur in the House amendment to S. B. No. 426. The motion prevailed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Hardin.

Absent—Excused.

Neal.

Parr.

Senator Greer moved to concur in the House amendment to S. B. No. 305. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Hardin.

Absent—Excused.

Neal.

Senator Woodul moved that the Senate concur in the House amendment to S. B. No. 81. The motion prevailed.

#### Messages from the House

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 24, Requesting the Governor to return H. B. No. 413 for the further consideration of the House.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Purl:

H. B. No. 478, A bill to be entitled "An Act to amend Article 5160 of the Revised Statutes of 1925, as amended by the Act of 1927, First Called Session, page 114, Chapter 39, Section 1, and to provide that any person or persons or corporation entering into a formal contract with the State or its counties, or school district, or other subdivisions thereof, or any municipality therein, for the construction of any public building or the prosecution and completion of any public work, shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract."

By Mr. Young and Mr. Turner:

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas prison system; increasing the duties, powers and functions of the Texas Prison Board."

By Mr. Bradley:

H. B. No. 646, A bill to be entitled

"An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes, of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the election of a special judge in such court, and providing the manner of such election."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Tillotson and Mr. Bailey:

H. B. No. 391, A bill to be entitled "An Act to amend Article 842, Chapter 8, Title 22, Revised Civil Statutes of Texas, 1925, by embracing therein debentures issued by Federal intermediate credit banks under the provisions of the 'Agricultural Credit Act of 1923' and amendments thereto."

By Mr. Johnson of Dimmit:

H. B. No. 146, A bill to be entitled "An Act validating certain defects in instruments pertaining to real estate after they have been of record for ten years or more, such defects validated being any defects in the execution, acknowledgment, recording or certificate of recording where not signed by proper officer of a corporation, where the seal of a corporation has not been impressed on instrument, where record does not show such seal or acknowledgment, where record does not show notary seal."

By Mr. Jones:

H. B. No. 208, A bill to be entitled "An Act to amend Section 9, Chapter 156 of the Acts of the regular session of the Fortieth Legislature, relating to the salaries, compensation, expenses and expenditures of administrative judicial districts, so as to have same hereafter paid by the respective counties or such districts in proportion to the number of weeks provided by law for holding district court in said respective counties, and declaring an emergency."

By Mr. Johnson:

H. B. No. 259, A bill to be entitled "An Act to amend Article 7631 of the Revised Civil Statutes of Texas of 1925, providing for the regulat-

ing of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners' court to order the first election, create the proposed district into one or more election precincts, name the polling places, appoint officers of elections, providing for the preparation of ballots and the wording that shall be placed on such ballots, and to amend Article 7641, of said statutes, defining who shall be eligible to hold office in water improvement districts, and declaring an emergency."

By Mr. Hardy:

H. B. No. 346, A bill to be entitled "An Act to amend Article 5433 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material men and laborers and declaring an emergency."

By Mr. Holder:

H. B. No. 379, A bill to be entitled "An Act amending Title 49, Chapter 2, Section 11, of Article 2613, authorizing the Governor of the State of Texas to accept gifts of lands to the State to be held and administered as State forests, under the direction of the board of directors of the Agricultural and Mechanical College of Texas; providing that the conveyances of such property shall be upon such terms and conditions as may be agreed upon by the grantors of said property and the board of directors of the Agricultural and Mechanical College, to purchase lands to be used as State forests; providing that the form of all conveyances shall be submitted to the Attorney General for approval, and declaring an emergency."

By Mr. Johnson of Dimmit:

H. B. No. 456, A bill to be entitled "An Act to amend Article 5734 of the Revised Civil Statutes of Texas of 1925 so as to include a standard weight for green corn (roasting ears) per bushel, and declaring an emergency."

By Mr. Maynard:

H. B. No. 554, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bastrop, State of Texas, for a period of five years from and after the passage of this Act."

By Mr. Hardy:

H. B. No. 595, A bill to be entitled "An Act amending Chapter 4, Title 5 Code of Criminal Procedure of Texas 1925, by adding thereto Articles 271-A and 271-B, authorizing certain corporations to execute bail bonds and recognizances, prescribing certain requisites to the execution of such bonds and recognizances."

By Mr. McGill:

H. B. No. 609, A bill to be entitled "An Act fixing, in counties having a population of more than 100,000 and less than 150,000, and containing a city of more than 75,000 population, the compensation of and providing for the appointment of assistant county attorneys, and prescribing their qualifications, and providing for the appointment of a stenographer."

By Mr. Long:

H. B. No. 618, A bill to be entitled "An Act to provide for the nomination of water improvement districts to serve under the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, 1925, and to repeal all laws in conflict therewith."

By Mr. Bond:

H. B. No. 637, A bill to be entitled "An Act to validate the authorization, issuance and sale of certain schools bonds issued by the Phenix independent school district of Kaufman county, Texas, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all property in said district, approving and validating all orders of the board of trustees of said district, bonds and taxes; and changing the name of said district to the 'Stubbs independent school district of Kaufman county, Texas'; and declaring an emergency."

By Mr. DeWolfe:

H. B. No. 638, A bill to be entitled "An Act providing for a shrimp and oyster canner's license, manner of making application, fees and form of license, tax on net weight of shrimp and oysters possessed and canned, inspection by Game, Fish and Oyster Commissioner or his deputies, form and manner of keeping records and making reports, suits for recovery of taxes or fees, disposition of taxes, fines and fees, and other regulations of the shrimp and oyster canning

business, penalties; and declaring an emergency."

By Mr. Brice:

H. B. No. 664, A bill to be entitled "An Act providing that in counties of not less than thirty-four thousand seven hundred and not more than thirty-five thousand inhabitants according to the 1920 Federal census, and having a tax valuation of not less than \$8,800,000, and not more than \$8,900,000, according to the approved tax rolls of 1928, the commissioners court may appoint a county auditor, and providing that said commissioners court shall have the power of removing said auditor so appointed."

By Mr. Kennedy and Mr. Harman:

H. B. No. 672, A bill to be entitled "An Act to amend Chapter 21, Local and Special Laws enacted by the Thirty-eighth Legislature at its Regular Session in 1923, same being a special road law for Falls county, Texas, by adding thereto a new section, 3-A, authorizing the commissioners court of Falls county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof."

By Mr. Pope of Jones, Mr. Speck and Mr. Reid:

H. B. No. 673, A bill to be entitled "An Act to reorganize the Forty-second and the One Hundred and Fourth Judicial Districts of the State of Texas, and to prescribe the time and fix the terms of holding the courts in each of said judicial districts, and in the various counties thereof."

By Mr. Kayton, Mr. King and Mr. Turner:

H. B. No. 676, A bill to be entitled "An Act to amend Section 25, Chapter 212, H. B. No. 59, Acts of the Fortieth Legislature, Regular Session, 1927, repealing all laws and parts of laws in conflict."

By Mr. Baker:

H. B. No. 704, A bill to be entitled "An Act to validate special road laws of Wood county heretofore enacted by the Legislature, which provide for and require additional duties to be performed by the county commissioners of Wood county in the supervision and maintenance of public roads of the county, to that required by the general road law of the State and provide for additional

salary to compensate the county commissioners of Wood county for the additional services required."

H. B. No. 716, A bill to be entitled "An Act regulating the salary of the sheriff or deputy sheriff waiting upon certain courts in counties of 10,000 or more population, according to the last Federal census; repealing conflicting laws."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 26, Requesting the Governor to return H. B. No. 153 to the House for further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Metcalfe and Mr. Graves of Williamson:

H. B. No. 364, A bill to be entitled "An Act to amend Article 1313 of the Revised Civil Statutes of 1925, so as to eliminate unnecessary duplication and expense in the filing and preserving of charters of corporations."

By Mr. Savage:

H. B. No. 400, A bill to be entitled "An Act amending Title 54, Chapter 8, of the Revised Civil Statutes of 1925, by adding Article 3393-a so as to provide that the county judge shall have the power and authority to decrease the amount of the bond of an executor or administrator."

By Mr. Montgomery:

H. B. No. 522, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12 and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being 'An Act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost dam-

aged or otherwise unfit for consumption and sale thereof declared to be a fraud upon the public; defining terms.' "

By Mr. Montgomery and Mr. Johnson of Dimmit:

H. B. No. 542, A bill to be entitled "An Act to amend Chapter 215, Article 879A, as passed by the Fortieth Legislature, providing for the regulation of the season in which white-winged doves may be hunted and killed."

By Mr. Van Zandt and Mr. Bate-man:

H. B. No. 552, A bill to be entitled "An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925."

By Mr. Hubbard and Mr. Beck:

H. B. No. 583, A bill to be entitled "An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925, so as to give the State Highway Commission authority to forbid the use of roads and bridges under certain circumstances."

By Mr. Graves of Erath:

H. B. No. 679, A bill to be entitled "An Act to amend Title 7, Article 190a, of the Revised Civil Statutes of the State of Texas, 1925, so as to add certain counties."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 63, A bill to be entitled "An Act to amend Article 6869 of the Revised Civil Statutes of the State of Texas of 1925, by adding, 'Provided, that no deputy appointed by the sheriff of any county shall be authorized or permitted to serve any civil process in any civil case where any of the parties have him employed or pay him any compensation for other services, and declaring an emergency.'"

H. B. No. 348, A bill to be entitled

"An Act to amend Article 1721 of the Revised Civil Statutes of Texas of 1925, providing for the appointment, qualification, duties and compensation of deputy clerks of the Supreme Court of Texas, and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to amend Articles 5473 and 5474, Chapter III, Title 90, of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

H. B. No. 692, A bill to be entitled "An Act providing a mode by which horses, mules, jacks, jennets, cattle, hogs, sheep and goats may be prevented from running at large in Limestone county."

H. B. No. 712, A bill to be entitled "An Act to exempt male persons residing in Fayette county, Texas, from road duty by paying to the county tax collector of said county the sum of three dollars annually."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Special Order Set.

On motion of Senator Greer, H. B. No. 10 was set for special order after the morning call Wednesday.

#### Senate Bill No. 504.

The Chair laid before the Senate as special order the following bill:

S. B. No. 504, A bill to be entitled "An Act amending Article 3107 of the Revised Civil Statutes of Texas, as amended at the First Called Session of the Fortieth Legislature, Chapter 67 of the Acts of the First called session of the said Fortieth Legislature, so as to provide that political parties shall have power to prescribe qualifications of its own members and determine who shall be qualified to vote or otherwise participate in such political party, either as a voter or a candidate; and declaring an emergency."

The bill was read second time.

Senator Love moved that this bill be set as special order tonight at 8:00 o'clock.

Senator Wirtz moved to table the motion. The motion to table prevailed.

Senator Woodul sent up the following amendment:

Amend S. B. No. 504 by adding at the end of Section 1 the following:

Provided the State Executive Com-

mittee shall not within two years of the effective date of this law disqualify or disenfranchise any voter or candidate of such party because of any vote heretofore cast by such voter or such candidate.

WOODUL.

The amendment was read.

#### **Proposed Amendment to S. B. No. 17**

Senator Love received unanimous consent to have printed in the Journal a proposed amendment to S. B. No. 17.

(See Appendix.)

#### **House Bills Referred.**

H. B. No. 367 referred to committee on Penitentiaries.

H. B. No. 478 referred to committee on State Affairs.

H. B. No. 646 referred to committee on Civil Jurisprudence.

#### **Bills Signed.**

The Chair President Pro Tem Walter Woodward gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 653.

S. B. No. 426.

S. B. No. 26.

#### **Recess.**

On motion of Senator Hyer, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

#### **After Recess**

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Walter Woodward.

#### **Senate Bill No. 504.**

The question recurred upon Senator Woodul's amendment to S. B. No. 504.

#### **Senate Bill No. 237.**

On motion of Senator Holbrook, S. B. No. 237 was laid on the table subject to call.

#### **House Concurrent Resolution No. 24**

The Chair laid before the Senate H. C. R. No. 24, recalling H. B. No.

413 from the Governor for further consideration.

The resolution was read and adopted.

#### **House Concurrent Resolution No. 26**

The Chair laid before the Senate H. C. R. No. 26, recalling H. B. No. 153 from the Governor for further consideration.

The resolution was read and adopted.

#### **Special Report.**

Senator Thomason sent up the report of the joint Committee appointed to investigate Meridian as a site for a teacher's college.

(See Appendix.)

#### **House Bills Referred.**

H. B. No. 716, referred to Committee on State Affairs.

H. B. No. 704, referred to Committee on State Highways and Motor Traffic.

H. B. No. 676, referred to Committee on Civil Jurisprudence.

H. B. No. 673, referred to Committee on Judicial Districts.

H. B. No. 672, referred to Committee on State Highways and Motor Traffic.

H. B. No. 664, referred to Committee on State Affairs.

H. B. No. 638, referred to Committee on State Affairs.

H. B. No. 637, referred to Committee on Educational Affairs.

H. B. No. 686, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 609, referred to Committee on Civil Jurisprudence.

H. B. No. 595, referred to Committee on Criminal Jurisprudence.

H. B. No. 554, referred to Committee on State Affairs.

H. B. No. 456, referred to Committee on State Affairs.

H. B. No. 379, referred to Committee on State Affairs.

H. B. No. 346, referred to Committee on Labor.

H. B. No. 259, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 208, referred to Committee on Judicial Districts.

H. B. No. 146, referred to Committee on Civil Jurisprudence.

H. B. No. 391, referred to Committee on Banks and Banking.

H. B. No. 679, referred to Committee on State Affairs.

H. B. No. 583, referred to Committee on State Highways and Motor Traffic.

H. B. No. 552, referred to Committee on Civil Jurisprudence.

H. B. No. 542, referred to Committee on State Affairs.

H. B. No. 522, referred to Committee on Agricultural Affairs.

H. B. No. 400, referred to Committee on Civil Jurisprudence.

H. B. No. 364, referred to Committee on State Affairs.

H. B. No. 712, referred to Committee on State Affairs.

H. B. No. 692, referred to Committee on Stock and Stock Raising.

H. B. No. 462, referred to Committee on Civil Jurisprudence.

#### Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Department,

Austin, Texas, Feb. 25, 1929.

To the Senate of the State of Texas:

Gentlemen: I have appointed the persons named below as Public Weighers of Galveston and Texas City, respectively, subject to your confirmation.

These parties have been recommended by the Legislators as provided in Article 5682, Revised Civil Statutes.

E. K. Marrast, Galveston; J. J. Lauve, Galveston; J. A. Straub, Galveston; C. M. Shannon, Galveston; J. E. Labuzan, Galveston; V. A. Smith, Galveston; O. R. Hoecker, Galveston; A. C. Still, Galveston; A. S. Bowers, Galveston; F. W. Parker, Galveston; Worthy Boyd, Galveston; Melvin B. Green, Galveston; J. C. Murphy, Galveston; J. B. Gibson, Galveston; H. T. Nelson, Galveston; Ernest G. Lewis, Galveston; C. M. Wolston, Galveston; J. A. Shannon, Galveston; T. A. Herzog, Galveston; John Garrison, Galveston; George Sykes, Galveston; Harold Tarpey, Texas City; Sam Walker, Texas City; T. A. Bynum, Texas City; M. C. Hoecker, Galveston.

Respectfully submitted,  
(Signed) DAN MOODY.

Read and referred to Committee on Governor's Nominations.

#### Simple Resolution No. 79.

Senator Williamson sent up the following resolution:

Whereas, Mrs. Laura Burleson Negley, daughter of the Honorable Albert Sidney Burleson, is now on the floor of the Senate, and

Whereas, Mrs. Negley is one of the honored members of the House of Representatives of the Forty-first Legislature from Bexar county, therefore be it

Resolved, That Mrs. Negley be extended the privileges of the Senate floor, and that she be invited to address the Senate at this time.

WILLIAMSON.

The resolution was read and adopted.

President Pro-Tem Woodward appointed Senator Williamson, Lieutenant Governor Miller, and Senator Witt to conduct Mrs. Negley to the platform.

#### Mrs. Negley Speaks.

Lieutenant Governor Barry Miller introduced Mrs. Negley who briefly addressed the Senate.

#### House Bills Referred

H. B. No. 348, referred to Committee on Civil Jurisprudence.

H. B. No. 63, referred to Committee on Criminal Jurisprudence.

#### Recess.

Senator Westbrook moved that the Senate recess until 10:00 o'clock Tuesday morning.

Senator Hyer moved as a substitute that the Senate recess until 8:00 o'clock tonight.

Senator McFarlane moved as a substitute that the Senate adjourn until 10:00 o'clock Tuesday morning. The motion to adjourn was lost.

The motion to recess until 10:00 o'clock Tuesday morning prevailed by the following vote:

Yeas—15.

Beck.	Patton.
Cousins.	Russek.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Thomason.
Martin.	Westbrook.
McFarlane.	Wirtz.
Miller.	

## Nays—11.

Berkeley.	Parrish.
Greer.	Williamson.
Holbrook.	Witt.
Hornsby.	Woodul.
Hyer.	Woodward.
Love.	

## Absent.

Hardin.	Pollard.
Moore.	

## Absent—Excused.

Neal.	Parr.
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At 5:45 o'clock p. m., the Senate recessed until 10:00 o'clock Tuesday morning.

## APPENDIX.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 25, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 342 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, Feb. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 582, A bill to be entitled "An Act to authorize organized counties in this State which were unorganized at the time of taking the next preceding United States census, and which had a population of less than one hundred at the time of said United States census, to refund the legally outstanding warrants and scrip indebtedness of such counties incurred prior to January 1, 1929, providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 586, A bill to be entitled "An Act fixing the compensation of Justice of the Peace in Counties containing Justice precincts where there is a population of One Hundred Twenty-five Thousand inhabitants or more, according to the last Federal census; and fixing the salary of the Justice of the Peace in such precincts and fixing the number of clerks and deputies for said Justice of the Peace in such precincts and fixing the manner of their appointment and payment of their salaries, and amending Article 3935 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment hereto attached.

WIRTZ, Chairman.

## Committee Amendment.

Amend S. B. No. 586 by adding after the caption the following:

"Be it enacted by the Legislature of the State of Texas."

Committee Room,  
Austin, Texas Feb. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 563, A bill to be entitled "An Act amending Article 923 by providing that it shall be lawful to kill, take and have in possession any fur bearing animal except a fox within Limestone County during the open season and providing that it shall be legal to kill, take and have in possession within Limestone County, rabbits at any time, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1929.



Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 102, A bill to be entitled "An Act to repeal Chapter 160 of the Acts of the 40th Legislature making it illegal for any person to take or trap by means of any snare, deadfall or steel trap, any fur bearing animal within the territorial limits of Cass County for a period of five years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 423, A bill to be entitled "An Act to regulate the occupation of hair dressers and cosmetologists, to create a State Board of Hair Dressers and Cosmetologists for the licensing of persons, firms, co-partnerships, associations or corporations to carry on and to teach such practices, to insure the better education of such practitioners, to provide rules regulating the proper conduct and sanitation of hairdressers and cosmetologists establishments and schools for the protection of the public health and to provide for violation thereof, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 539, A bill to be entitled "An Act to authorize the Commissioners' court in each county having a population not less than ten thousand and fifteen and not more than ten thousand and forty as shown by the U. S. Census of 1920,

to pay the sheriff of such county for summoning jurors in District or County Courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding Twenty-five Hundred Dollars per annum, to be fixed by the Commissioners' Court at the same time other ex-officio salaries are fixed, and to be paid out of the General Fund of the county and further authorizing the Commissioners' Court in such counties upon written sworn application of the sheriff, stating the necessity therefor, to purchase an automobile for the use of the sheriff and pay for same together with the expense of the maintenance and operation of same out of the County General Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 507, A bill to be entitled "An Act to license and regulate the business of making loans in sums of Three Hundred Dollars (\$300) or less, secured or unsecured, prescribing the rate of interest to be charged therefor, authorizing and limiting the fees or service charges to be paid by the borrower on such loans; and providing that the collection or receipt thereof shall not be penalized or recovery allowed therefor, regulating the assignment of salaries and wages, suppressing usurious and extortionate charges by the lender, prescribing penalties for the violation of this Act; providing certain duties of the Banking Commissioner in the enforcement of this Act, and to repeal Chapter 17 of the Laws of 1927 defining and regulating loan brokers, and for other purposes, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 507, A bill to be entitled "An Act to license and regulate the business of making loans in sums of Three Hundred Dollars (\$300) or less, secured or unsecured, prescribing the rate of interest to be charged therefor, authorizing and limiting the fees or service charge to be paid by the borrower on such loans; and providing that the collection or receipt thereof shall not be penalized or recovery allowed therefor, regulating the assignment of salaries and wages, suppressing usurious and extortionate charges by the lender, prescribing penalties for the violation of this Act; providing certain duties of the Banking Commissioner in the enforcement of this Act, and to repeal Chapter 17 of the laws of 1927 defining and regulating loan brokers, and for other purposes, and declaring an emergency."

Have had the same under consideration, and beg leave to differ with the majority of your Committee and report the bill back to the Senate with the recommendation that it do not pass.

HOLBROOK.

Committee Room,

Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 592, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 681, A bill to be entitled

"An Act creating a Special Road Law for Karnes County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 584, A bill to be entitled "An Act exempting from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemptions shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 659, A bill to be entitled "An Act to amend Chapter 60 of the Acts of the General and Special Laws of the Fortieth Legislature, First Called Session, approved June 6th, 1927, amending Section 2 of said Chapter so as to provide that the district attorney of the Ninetieth

Judicial District of Texas, may employ in lieu of an assistant district attorney, a stenographer, and fixing the salary of a stenographer, and providing that said Act shall take effect from the date of its passage, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 538, A bill to be entitled "An Act making it unlawful for any officer or employe of this State to issue or publish any publication or bulletin in his official capacity, which bulletin or publication carries any advertising matter of any nature whatsoever; providing a penalty for the violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Moore.

S. B. No. 538.

#### A BILL

##### To Be Entitled

An Act making it unlawful for any officer or employe of this State to issue or publish any publication or bulletin in his official capacity, which bulletin or publication carries any advertising matter of any nature whatsoever; providing a penalty for the violation of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act, it shall be unlawful for any officer or employe of the State of Texas to issue or publish in his official capacity any publication or bulletin which publication or bulletin shall contain any advertising matter of any nature whatsoever; provided, however, that nothing in this Act shall be con-

strued to prohibit publication of statements necessary or proper to be made regarding the work and business of any State department.

Sec. 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars and each separate copy of any bulletin or publication containing advertising matter shall constitute a separate offense.

Sec. 3. The fact that it is contrary to the policy of this State that the official bulletins and publications of its departments shall be commercialized and converted into sources of revenue for individuals, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each House, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 543, A bill to be entitled "An Act authorizing corporations heretofore or hereafter incorporated under the laws of this State, having power under its charter to own or operate a cotton compress, shall have the power to loan money on cotton, or other products of the soil, and to invest its surplus funds in the stock, or other securities, of any corporation incorporated under the laws of this State, having power to loan money on the security of cotton, or other products of the soil.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Hardin, Beck and S. B. No. 543.  
Parrish.

#### A BILL

##### To Be Entitled

An Act authorizing corporations

heretofore or hereafter incorporated under the laws of this State, having power under its charter to own or operate a cotton compress, shall have the power to loan money on cotton, or other products of the soil, and to invest its surplus funds in the stock, or other securities, of any corporation incorporated under the laws of this State, having power to loan money on the security of cotton, or other products of the soil.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any corporation heretofore or hereafter incorporated under the laws of this State, with power under its charter, to own or operate a cotton compress, shall have the additional power to loan money on cotton, or other products of the soil, and to invest its surplus funds in the stock, or other securities, of any other corporation incorporated under the laws of this State, which have power to loan money on the security of cotton, or other products of the soil.

Sec. 2. All laws, and parts of laws, in conflict herewith and prohibiting such powers, are hereby repealed.

Sec. 3. The fact that the producers of cotton, and other products of the soil, are greatly embarrassed by the lack of facilities to properly finance the commodities produced by them, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force upon and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 558, A bill to be entitled "An Act authorizing the Commissioners Court of Hutchinson County, Texas, to employ not more than two persons to be known as Investigators to assist the district attorney of said county in the investigation and prosecution of crime and in the discharge of his official duties, providing for their deputation, salaries and

necessary expense and the mode of their discharge, prescribing their duties and declaring an emergency.

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Senator Small. S. B. No. 558.

#### A BILL

#### To Be Entitled

An Act authorizing the Commissioners' Court of Hutchinson County, Texas, to employ not more than two persons to be known as Investigators to assist the district attorney of said county in the investigation and prosecution of crime and in the discharge of his official duties, providing for their deputation, salaries and necessary expense and the mode of their discharge, prescribing their duties and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

The Commissioners' Court of Hutchinson County, Texas, may upon the written sworn application of the district attorney of said county stating the necessity therefor, employ not more than two persons to be known as Investigators to assist the district attorney of said county in the investigation and prosecution of crime and in the discharge of his official duties. Said Investigators shall have the power and shall be authorized to make arrests and to execute all processes in criminal cases, and shall be deputized by either the sheriff or any constable of the county. They shall be paid a salary out of the general county fund not to exceed one hundred and fifty dollars per month, the salary to be fixed by the commissioners court, and in addition thereto the commissioners court is authorized to allow all necessary and actual expenses incurred in the discharge of their duties in carrying out the provisions of this Act. Said investigators may be dismissed from service on request of the district attorney whenever approved by the commissioners court, or by said court on its own initiative, whenever their services are no longer needed or have not been satisfactory.

The importance of this measure and the fact that there is now no law authorizing the Commissioners Court of Hutchinson County to employ Investigators to assist the district attorney creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 22, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 570, A bill to be entitled "An Act providing for the preservation of the Old San Antonio Road running through the State of Texas from Pendleton on the Sabine to Presidio in West Texas; prescribing that said Road shall always be known as the Old San Antonio Road; requiring the Highway Commission to preserve and maintain said road along the route described in this Act and as surveyed in 1915 by V. Zivley; prohibiting the changing of said route; describing the route of said Highway; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Patton, Thomason, S. B. No. 570.  
Greer, Gainer, Small,  
Cousins, Williamson,  
Wirtz.

An Act providing for the preservation of the Old San Antonio Road running through the State of Texas from Pendleton on the Sabine to Presidio in West Texas; prescribing that said Road shall always be known as the Old San Antonio Road; requiring the Highway Commission to preserve and maintain said Road along the route described in this Act and as surveyed in 1915 by V. N. Zivley; prohibiting the changing of said route; describing the route of said highway; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The road commonly known as the Old San Antonio Road or "King's Highway" or "Camino Real" shall forever be known as the Old San Antonio Road, and is hereby declared to be one of the cardinal highways of this State, and the State Highway Commission shall preserve it as herein described and maintain the same out of State Highway funds. The route of said Road shall remain as surveyed by V. N. Zivley, pursuant to appointment of the Governor in the year 1915 and as marked by granite boulders heretofore erected every five miles on said Highway by the Daughters of the American Revolution. The route of the Old San Antonio Road is and shall be as follows, the same being more particularly described by said survey made by V. N. Zivley and marked by said granite boulders, to-wit: Running from Pendleton, thence through Milam, Geneva, San Augustine, Dwire, Chireno, Melrose, Nacogdoches, Douglass, Alto, passing near Neches, passing near Crockett; thence through Hennessy, Norman-gee, near Wheelock, through Benchley, Seeles Store, Cook's Point, Caldwell, Deanville, Lincoln, Bastrop, Cedar Creek, Mendoza, Reedville, New Braunfels, Bracker, San Antonio, Losoya, Amptdon, Hindes, Jahney, Cotulla, to Presidio.

Sec. 2. The fact that the Old San Antonio Road which is also known as "King's Highway" and "Camino Real" is the oldest highway or trail in this State; that while there is no accurate date that can be fixed for its beginning, it certainly goes back to the Indian Confederacy as shown by ancient maps and Indian Mounds, which follow its windings across Texas where Indian villages formerly lay; that said Road was in all probability started as a trail by the Indians and the buffalo; that it was in existence when Spain placed missions and fortresses to hold the country against the French and to prevent contraband trade with Mexico; that said Road was traveled by the Spainards after Spain had taken possession of this country placing it under military and religious rule, establishing missions and presidios close to the French boundary at Natchitoches, Louisiana; that said Road was traveled in the conquest of the

country from 1716 to 1772 when the Capitol was removed to San Antonio remaining there until 1836; that this famous Road was used in the early history of our State through its progress from colonization to Republic and from Republic to statehood to such an extent that the State owes an obligation for the sake of history to preserve said highway for all time to come as nearly as may be; that said Road marks the progress of a great and progressive people; that this Act undertakes to provide for the preservation and maintenance of said Highway along its original route and under the name by which it is most commonly known; all creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 576. A bill to be entitled "An Act to validate extension of corporate limits under Article 1175 R. S. 1925, of cities having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal census, and to validate all proceedings, actions and contracts taken or made in pursuance thereof, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute attached hereto do pass in lieu thereof, and be printed in the Journal.

BERKELEY, Chairman.

By Woodul. C. S. S. B. No. 576.

#### A BILL

#### To Be Entitled

An Act to validate extension of corporate limit under Article 1175 R. S. 1925, of cities having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preced-

ing Federal Census, and to validate all proceedings, actions and contracts taken or made in pursuance thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all ordinances and proceedings, and all actions, proceedings and contracts, taken or made in pursuance thereof, of any city having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal Census, which have been, heretofore, passed under and in accordance with Article 1175, Revised Statutes 1925, providing for the extension of the corporate limits of such city, are hereby ratified and confirmed, and such extensions and actions, proceedings and contracts, taken or made in pursuance thereof, shall be deemed and held valid in all respects and to the same extent as if done under Legislative authority, previously given.

Sec. 2. The fact that the Act of the 33rd Legislature authorizing cities of more than five thousand inhabitants to adopt and amend their own charters gave to said cities the power to fix the boundary limits of said city and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city according to such rules as might be provided by the charter of said city, and the further fact that the 37th Legislature of the State of Texas at its First Called Session, Chapter 149, 1921, did enact a law providing for the amendment of the charters of certain cities of over one hundred thousand inhabitants and under one hundred fifty thousand inhabitants by the extension of the boundary limits and annexation of additional territory lying adjacent to said city by a vote of the inhabitants of said city thereupon, and that certain cities have undertaken in good faith to amend their charters by the extension of the boundary limits of said city and the annexation of additional territory lying adjacent to said city ordinance as provided for in the charters of said cities adopted in conformity with the provisions and requirements of Chapter 147, Acts of the Regular Session of the 33rd Legislature of the State of Texas, 1913, and that the acts, ordi-

nances and bond issues of such cities may therefore be questioned, although made in good faith and in strict compliance with Chapter 147, Acts of the Regular Session of the 33rd Legislature of the State of Texas of 1913 and of the charter provisions of said city adopted thereunder, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and said rule is suspended and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

By Woodul. S. B. No. 576.

#### A BILL

##### To Be Entitled

An Act to validate extension of corporate limits under Article 1175 R. S. 1925, of cities having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal Census, and to validate all proceedings, actions and contracts taken or made in pursuance thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all ordinances and proceedings, and all actions, proceedings and contracts, taken or made in pursuance thereof, of any city having a population of one hundred thousand and under one hundred fifty thousand, as shown by the preceding Federal Census, which have been, heretofore, passed under and in accordance with Article 1175, Revised Statutes 1925, providing for the extension of the corporate limits of such city, are hereby ratified and confirmed, and such extensions and actions, proceedings and contracts, taken or made in pursuance thereof, shall be deemed and held valid in all respects and to the same extent as if done under Legislative authority, previously given.

Sec. 2. It being important that the cities coming within the above section should immediately have the benefit conferred by this Act, in order to exercise authority over territory previously added to existing corporate limits, an emergency and an imperative public necessity is created that the constitutional rule requiring bills to be read on three several days be suspended, and the

same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 583, A bill to be entitled "An Act amending Article 2189 of the Revised Civil Statutes of 1925 to provide more fully the method and form of submitting causes upon special issues; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only

WOODWARD, Chairman.

By Wirtz.

S. B. No. 583.

#### A BILL

##### To Be Entitled

An Act amending Article 2189 of the Revised Civil Statutes of 1925 to provide more fully the method and form of submitting causes upon special issues; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2189 of the Revised Civil Statutes of 1925 be and the same is hereby amended to hereafter read as follows:

"Article 2189—Special issues: In all jury cases the court may submit the said cause upon special issues without request of either party, and, upon request of either party, shall submit the cause upon special issues raised by the pleadings and the evidence in the case. Such special issues shall, so far as practicable, be submitted distinctly and separately. Each issue shall be answered by the jury separately. In submitting special issues the court shall submit such explanations and definitions of legal terms as shall be necessary to enable the jury to properly pass upon and render a verdict on such issues; provided no party may complain of failure so to do unless he, prior to such submission submits to the court in writing proper explanations and definitions of such terms, with request to have same given to

the jury. If the nature of the suit is such that it cannot be determined on the submission of special issues, the court may refuse the request to do so, but the action of the court in refusing may be reviewed on proper exception in the appellate court, and this article shall be construed in connection with the succeeding article."

Sec. 2. The fact that many cases are being reversed on account of the failure of the trial judge to properly define legal terms used in the submission of causes on special issues creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read in each House on three several days be, and the same is hereby suspended, and that this Bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 25, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

H. B. No. 646, A bill to be entitled "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas 1925, relating to the absence, sickness or disqualification of any District Judge in any Court controlled by said Article, and providing for the election of a special Judge in such election; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOODWARD, Chairman.

By Bradley. H. B. No. 646.

#### A BILL

#### To Be Entitled.

An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas 1920, relating to the absence, sickness or disqualification of any District Judge in any court controlled by said Article, and providing for the election of a Special Judge in such court, and providing the manner of such election; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 23 of

Article 2092 of the Revised Civil Statutes of Texas 1925, being Chapter 6 of Title 42 thereof shall be and the same is hereby amended so that the same shall hereafter read as follows:

"23. If a Judge of any court is disqualified in any case pending in his court, and his disqualification is certified to the Governor, the Governor may require the Judge of any other of such Courts to exchange benches or districts with the disqualified Judge, and may, at any time, require any of such Judges to exchange districts with each other or with any other District Judge. In case of the absence, sickness or disqualification of any Judge, any other of said Judges may hold Court for him or may transfer from his court to any other of said courts any case or proceeding then pending in the court of said absent, sick or disqualified Judge, and in such circumstances the practicing lawyers of the court may elect a special Judge of said court in the same manner as provided in Chapter 1 of Title 40 of the Revised Civil Statutes of 1925, and such special Judge when so elected shall have and exercise all the powers and duties which the regular Judge of said Court could have and exercise."

Sec. 2. The fact of the near approach of the end of this Session, and the fact that a serious question exists as to the right to elect a special Judge of such courts during the absence, sickness or disqualification of any Judge thereof, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and it is suspended, and this Act shall take effect and be in force from and after its passage.

#### Proposed Amendment to S. B. No. 17

Amend Senate Bill No. 17, Senate Journal, page 788, second column, by striking out all of Section 1, and insert in lieu thereof, the following:

Section 1. There is hereby appropriated for the support of public free schools and for the purchase of free text-books for the two years ending August 31, 1930, and August 31, 1931, respectively, all of the available free school funds arising from the interest or lease of school



lands, interest on bonds, school taxes, and all other sources of revenue to said fund; provided, that the text-books may be purchased only out of funds arising from state ad valorem school tax; and provided further that the per capita apportionment for the year beginning September 1, 1929, shall be Sixteen Dollars and no more, and, there shall be appropriated out of the general revenue fund of the state such an amount, if any, as may be necessary, for the year ending August 31, 1931, to add to the State available school fund for said year to guarantee a state per capita apportionment of \$16.00 and no more, said apportionment to be ascertained and determined according to the latest scholastic census taken under the laws of this State prior to September 1, 1930. The moneys hereby appropriated as needed shall be added to the State available school fund on order of the State Superintendent of public instruction and shall be distributed in accordance with the provisions of the laws of this State governing and relating to the distribution and apportionment of the State available school fund.

LOVE.

#### Special Report.

To the Hon. Barry Miller, Lieutenant Governor, and  
W. S. Barron, Speaker of the House  
Austin, Texas.

Gentlemen: We, your Committee appointed to inspect the plant of the Meridian College, beg leave to report as follows:

We visited the splendid town of Meridian, Friday, February 15th, which we found to be clean physically as well as morally, and we find a progressive citizenship greatly interested in educational questions, ever alert in the upbuilding of the splendid little town, and vitally interested in the welfare of the State as a whole.

The physical plant of Meridian College is in good state of repair. Its site would be a good location for a State College. Being in the heart of Texas, and not immediately served by another State Teachers' College, we believe that should the State contemplate establishing another college, Meridian would be a splendid location.

However, considering the present needs of all the State institutions, and considering the outlook for the State income during the coming few years, and the further fact that we have not investigated the general educational situation, we your Committee, is not in a position to recommend that immediate steps be taken by the State to establish another college, but does recommend that when the time comes for locating another institution, that Meridian be the first considered by the State as the location of such an institution.

SMITH,  
HOLDER,  
WARWICK,  
BATEMAN,  
GILES,  
REID,  
COLTRIN,

On the part of the House.

THOMASON,  
MILLER,  
RUSSEK,  
HYER,

On the part of the Senate.

#### Remarks.

Senator Miller received unanimous consent to have printed in the Journal as a part of his remarks the following editorial:

#### A BLOW AT THE BILL OF RIGHTS

Every instinct of liberty, deep-rooted in the minds of the American people and written irrepealably into Federal and State Constitutions, cries out against the proposal to give peace officers and prohibition agents carte blanc to raid, search and seize at their discretion. If the citizens of Texas were vassals or serfs, cringing creatures living in fear of the State, such a proposal might be appropriate. But the citizens of Texas are free-born, and their homes, persons and effect should be forever safeguarded against the whims and petty tyrannies of the public servants whom they employ to apprehend criminals.

Not only is the proposal to repeal or draw the teeth of the search and seizure law dangerous and indefensible from the standpoint of the Federal and State Bills of Rights, but the argument that such repeal is necessary to effective prohibition enforcement is without merit.

It is a practical impossibility for a marker, mover or seller of bootleg liquor to operate on a commercial scale without opening numerous avenues through which peace officers and prohibition agents can secure evidence of such violations. Under the law as it stands, it is a simple and easy matter to secure a search warrant where evidence exists to justify a search.

If the men whose duty it is to enforce the prohibition laws will use proper diligence in breaking up the commercial booze traffic and putting the big manufacturers and dealers behind the bars, the lamentable conditions now prevailing in many parts of Texas will be remedied.

Repeal of the search and seizure law or of the "evidence clause" without which it would be virtually a dead letter could have little effect one way or the other upon the commercial booze traffic of Texas. Such repeal no doubt would add to the number of petty cases, and clutter up the courts with "half-pint" dockets. And it no doubt would make it much easier for unscrupulous peace officers, of whom there are many, to bulldoze humble citizens and "shake them down." It would open the way to flagrant abuse of power, and invite tragedy. There are in Texas many thousands of citizens who, though law-abiding and honest in their every thought and act, would slay or be slain rather than submit to the indignity of unauthorized raids and searches on the part of peace officers.

One of the most famous abolitionists, a fiery fanatic who breathed hatred of the South, was reminded in the course of a public address that his proposals would violate the United States Constitution. "To hell with the Constitution!" he replied.

No greater tragedy could befall the prohibition movement in Texas and other States than for such a spirit to gain the upper hand. Regardless of what a few professional spokesmen for the dry cause may do or say, or what a few peace officers may request, the people as a whole still cherish a due appreciation of the bills of rights written into the Federal and State organic laws.—

Houston Post Dispatch, Sunday, February 24, 1929.

### THIRTY-FIFTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,

Tuesday, February 26, 1929.

The Senate met at 10 o'clock a. m. pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

#### Bills and Resolutions.

By Williamson.

S. B. No. 597, A bill to be entitled "An Act to provide for the extension of the term of Oil and Gas Permit No. 11752 from a period of two years to a period of five years from its date, and creating an emergency."

The bill was read first time and referred to committee on Mining, Irrigation and Drainage.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 608.  
H. C. R. No. 22.  
S. B. No. 54.  
S. B. No. 389.  
S. B. No. 305.  
S. B. No. 296.  
S. B. No. 81.

#### Senate Bill No. 504.

The question recurred upon Senator Woodul's amendment to S. B. No. 504.

Senator Greer sent up the following substitute for the amendment:

Amend S. B. No. 504, second paragraph of Section One, by inserting after the words and figures "Article 3107" the words and figures "after the primaries of 1930."

GREER.

The substitute was read.

#### House Bills Referred.

H. B. No. 72, referred to Committee on Civil Jurisprudence.

H. B. No. 606, referred to Committee on State Affairs.